



2821

PATENTS  
Application Serial No. 09/805,590  
Attorney Docket No. CKB-016.01  
(Formerly Attorney Docket No. C1104-70016)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Kevin J. Dowling

Application No: 09/805,590

Filed: March 13, 2001

For: LIGHT-EMITTING DIODE  
BASED PRODUCTS

Art Unit: 2821

Confirmation No.: 1160

Examiner: A, MINH D

**CERTIFICATE OF MAILING**

I hereby certify that the following paper is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 21, 2005.

Shirine Darvish

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION-DISCLOSURE STATEMENT**

Sir/Madam:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants request consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a Request for Continued Examination Under 37 C.F.R. §1.114.

No fee is required.

**PART II: Information Cited**

The Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicants also wish to bring to the attention of the Examiner the following information:

Pursuant to MPEP §2001.06(c), Applicants bring to the Examiner's attention that two U.S. patents relating to the present application have been involved in litigation. These patents include U.S. Patent No. 6,016,038 and U.S. Patent No. 6,150,774, assigned to Color Kinetics, Inc. The present application is entitled to the benefit of at least one of these two patents, under 35 U.S.C. §120.

The aforementioned patents both are involved in the litigation Case No. 02 CV 11137MEL in the United States District Court, District of Massachusetts.

Applicants acknowledge the duty to disclose to the U.S. Patent Office material information that may arise from these litigations, including evidence of possible prior public use or sales, questions of inventorship, prior art, allegations of "fraud," "inequitable conduct," and "violation of duty of disclosure," or any assertion which is contradictory to assertions made to the Examiner during prosecution of the present application.

To this end, Applicants wish to make of record in the present application the following documents from the litigations, together with all exhibits filed therewith:

- Color Kinetics Incorporated v. Super Vision International, Inc., "Declaration of Wayne Howell in Opposition to Color Kinetics's Motions for Summary Judgment Against Super Vision International, Inc.," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics Incorporated v. Super Vision International, Inc., "Declaration of Jerry Laidman in Opposition of Color Kinetics, Inc.'s Motion for Summary Judgment Against Super Vision International, Inc.," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

PATENTS

Application Serial No. 09/805,590

Attorney Docket No. CKB-016.01

(Formerly Attorney Docket No. C1104-70016)

- Color Kinetics Incorporated v. Super Vision International, Inc., “Affidavit of Alfred D. Ducharme,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics Incorporated v. Super Vision International, Inc., “Declaration of Clive Mitchell in Opposition of Color Kinetics Inc.’s Motion for Summary Judgment Against Super Vision International, Inc.,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics Incorporated v. Super Vision International, Inc., “Declaration of Bruce Hagopian in Support of Super Vision International, Inc.’s Motion for Summary Judgment Against Color Kinetics, Inc.,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics Incorporated v. Super Vision International, Inc., “Declaration of William Little in Opposition to Color Kinetics’s Motions for Summary Judgment Against Super Vision International, Inc.,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics Incorporated v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brent W. Brown,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics Incorporated v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Amended Declaration of George G. Izenour,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics Incorporated v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Paul A. Miller,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics Incorporated v. Super Vision International, Inc., “Declaration of Brett Kingstone in Opposition to Color Kinetic’s Motion for Summary Judgment Against Super Vision International, Inc.,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Applicants make no representation that the above-identified document(s) provide information material to the examination of the present application. Applicants make these documents of record in the present application primarily for completeness to facilitate the Examiner’s understanding of the nature of the litigation. The Examiner is

urged to form his or her own conclusion regarding the relevance of the information contained in these documents.

**PART III: Additional Remarks**

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicants, again the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

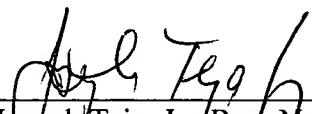
An early and favorable action is hereby requested.

PATENTS  
Application Serial No. 09/805,590  
Attorney Docket No. CKB-016.01  
(Formerly Attorney Docket No. C1104-70016)

Please charge any additional fee occasioned by this paper to our Deposit Account  
No. 06-1448, Reference CKB-016.01.

Respectfully submitted,

Date: July 21, 2005  
**Customer No: 25181**  
Patent Group  
Foley Hoag, LLP  
155 Seaport Blvd.  
Boston, MA 02210-2600

  
\_\_\_\_\_  
Joseph Teja, Jr., Reg. No. 45,157  
Attorney for Applicant  
Tel. No. (617) 832-1183  
Fax. No. (617) 832-7000

Form PTO-1449	Docket Number (Optional) CKB-016.01	Application Number 09/805,590
<b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>		
Applicant Dowling et al.		Group Art Unit 2821
Filing Date March 13, 2001		

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	US2004/0218387	11/04/2004	Gerlach			
	US2005/0122064	06/09/2005	Chevalier et al.			
	US2005/0122292	06/09/2005	Schmitz et al.			
	US2005/0122718	06/09/2005	Kazar et al.			
	US2005/0128743	06/16/2005	Chuey et al.			
	4,317,071	02/23/1982	Murad			
	4,342,906	08/03/1982	Hyatt			
	4,957,291	09/18/1990	Miffitt et al.			
	5,136,483	08/04/1992	Schöniger et al.			
	5,165,778	11/24/1992	Matthias et al.			
	5,400,228	03/21/1995	Kao			
	6,299,329	10/09/2001	Mui et al.			
	6,299,338	10/09/2001	Levinson et al.			
	6,474,837	03/19/2002	Belliveau			
	6,618,031	09/09/2003	Bohn Jr., et al.			

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
	JP 10-071951	17.03.1998	Japan				Abstract Only
	WO 97/48138	18.12.1997	PCT				

## OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages Etc.)

	LEDtronics, Inc., LEDtronics Press Releases, "Conversion to LED System Provides Safe, Cost-Effective Lighting for Safelight Manufacturing," and "Ultra-Bright LED Replacements Offered for Industrial Control, Motor Control, Pilot Lights," June 30, 1997
	Office Action Mailed November 24, 2005 in U.S. Application Serial No. 09/805,368.
	Color Kinetics Incorporated v. Super Vision International, Inc., "Declaration of Wayne Howell in Opposition to Color Kinetics's Motions for Summary Judgment Against Super Vision International, Inc.," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
	Color Kinetics Incorporated v. Super Vision International, Inc., "Declaration of Jerry Laidman in Opposition of Color Kinetics, Inc.'s Motion for Summary Judgment Against Super Vision International, Inc.," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
	Color Kinetics Incorporated v. Super Vision International, Inc., "Affidavit of Alfred D. Ducharme," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Form PTO-1449

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION***(Use several sheets if necessary)*

Docket Number (Optional)

CKB-016.01

Application Number

09/805,590

Applicant

Dowling et al.

Filing Date

March 13, 2001

Group Art Unit

2821

Color Kinetics Incorporated v. Super Vision International, Inc., "Declaration of Clive Mitchell in Opposition of Color Kinetics Inc.'s Motion for Summary Judgment Against Super Vision International, Inc.," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics Incorporated v. Super Vision International, Inc., "Declaration of Bruce Hagopian in Support of Super Vision International, Inc.'s Motion for Summary Judgment Against Color Kinetics, Inc.," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics Incorporated v. Super Vision International, Inc., "Declaration of William Little in Opposition to Color Kinetics's Motions for Summary Judgment Against Super Vision International, Inc.," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics Incorporated v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Brent W. Brown," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics Incorporated v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Amended Declaration of George G. Izenour," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics Incorporated v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Paul A. Miller," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics Incorporated v. Super Vision International, Inc., "Declaration of Brett Kingstone in Opposition to Color Kinetic's Motion for Summary Judgment Against Super Vision International, Inc.," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.